

EXHIBIT 6



U.S. Department of Justice
Federal Bureau of Prisons

WARDEN'S OFFICE

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FCI, DANBURY, CT.

Program Statement

OPI: CPD
NUMBER: 3730.04
DATE: March 17, 1997
SUBJECT: Workplace Violence Prevention,
Staff

Handwritten initials and date: 3/17/97

1. PURPOSE AND SCOPE. To establish procedures for preventing and responding to acts of violence by staff and to inform all Bureau employees that such behavior is strictly prohibited.

Bureau facilities shall be managed in a manner which permits employees to perform their duties in an environment free from threatening and violent behavior by other employees. Prevention of staff workplace violence begins with a commitment to treat all employees fairly and with respect, regardless of rank or position. It is expected that all employees will interact in ways which promote cooperation and mutual respect.

Although threatening and violent behavior by Bureau employees occurs infrequently, such behavior must never be ignored or tolerated. There must always be an immediate and decisive management response to each incident of staff workplace violence, regardless of severity.

This Program Statement applies to all Bureau employees, including employees of the Public Health Service, and any employee detailed under the Intergovernmental Personnel Act.

Contractors and volunteers who work in Bureau facilities are expected to follow the guidelines and procedures outlined in this policy.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Staff safety will be enhanced by curbing violence and threats of violence by other employees.

b. Bureau managers and supervisors will respond to incidents of staff workplace violence in a consistent, fair, and effective manner.

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3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 3730.03 Workplace Violence Prevention Program
(08/13/96)

b. Directives Referenced

PS 1210.11 Internal Affairs, Office of (09/08/93)
PS 3420.08 Standards of Employee Conduct (03/07/96)
PS 3792.06 Employee Assistance Program (11/04/93)
PS 5558.12 Firearms and Badges (06/07/96)

4. STANDARDS REFERENCED. None.

5. DEFINITION. Staff workplace violence is any act of violence by a Bureau employee against another employee, another employee's family member, or any visitor to a Bureau work site (e.g., other government employees, inmates' visitors, the general public, etc.). Acts of violence include:

- any intentional infliction of physical harm or attempt to inflict physical harm against another or another's possessions or property, including government property; and
- any verbal, written, or other behavior which a reasonable person would interpret as a threat to inflict physical harm against another or another's possessions or property, including government property.

Any such violent act is considered staff workplace violence if it occurs at the work site or at a work-related event. Any such violent act which occurs elsewhere may also be considered staff workplace violence if a reasonable person would conclude that the motivation of the perpetrator or the precipitant of the violent act was clearly work-related, or if a nexus to work-related events or settings is otherwise established.

Other Bureau directives prohibit staff behavior which is otherwise intimidating, bullying, or harassing. Inasmuch as this behavior often precedes staff workplace violence, it should never be ignored or tolerated.

Other types of workplace violence, such as inmate violence against staff, are addressed in other Bureau directives.

6. PROCEDURES. Although management's response to any incident of staff workplace violence will depend on the circumstances of the incident, some immediate action shall always be taken. Most incidents of staff workplace violence will involve threats only or other low level violence (e.g., pushing). The following steps are required in those instances:

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a. Initial Report. Anyone who observes, or is a target of, threatening or violent behavior by another employee shall notify the CEO immediately, via the proper chain of command or directly, and shall submit a written report of the incident.

If the reporting employee's immediate supervisor is the alleged perpetrator, notification shall be made at the next higher supervisory level.

Information about reported incidents should be disclosed only to those with a legitimate need to know.

b. Internal Affairs Notification. As with any report of staff misconduct, management shall report the incident immediately to the Office of Internal Affairs (OIA) via telephone.

c. Threat Assessment. The Chief Executive Officer (CEO) shall make a judgment regarding the level of threat posed by the employee(s) in question and determine what action, if any, is necessary to protect staff and the institution/work site. The process by which this judgment is made is left to the CEO's discretion.

For serious incidents or if the CEO deems it necessary, a "threat assessment team" should be convened to assist in making this judgment. The team's composition may vary from incident to incident, but depending on the specific circumstances, the following staff shall be considered as potential team members:

- local Executive Staff members,
- Supervisory Correctional Services staff,
- the supervising department head of the employee(s) in question,
- the Human Resources Manager,
- attorney or paralegal, and
- a psychologist or other mental health professional.

Threat assessment guidelines which CEOs and teams may wish to use to focus their deliberations can be found in the Threat Assessment Guidelines (Attachment A).

d. Employee Notification. The alleged perpetrator shall be informed or instructed consistent with any immediate action determined to be necessary or appropriate. At a minimum, he/she shall be instructed to cease any threatening or violent behavior and reminded that such behavior is prohibited and will not be tolerated. Documentation of this instruction is recommended.

e. Other Responses. The range of other possible actions is left to the CEO's discretion. If it is determined that an employee does constitute a potential threat to the safety of staff or the Bureau work site, or if there is doubt as to the severity of the threat posed, the employee in question shall be

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removed from the immediate work site. In such cases, employees identified as potential targets shall also be notified as to the actions taken and the nature of any threat(s).

Pending further investigation in such cases, the alleged perpetrator shall not be admitted to Bureau property without the CEO's prior approval.

f. Employee Assistance Program (EAP). Finally, the employee(s) in question shall be referred to the EAP in accordance with established procedures. If other employees involved demonstrate any distress about the alleged incident, it is advisable to refer them to the EAP as well.

It is improper to use the EAP as a means of obtaining a fitness for duty or other formal evaluation for use by management. Also, referral to the EAP is not to be construed as a substitute for appropriate disciplinary action.

Federal regulations strictly prohibit disclosure of information learned while providing federally assisted EAP services unless exceptional circumstances exist (e.g., an employee is judged by the EAP provider to pose an imminent threat of serious harm to others) or unless certain conditions are met (e.g., the employee provides written consent to release information). Thus, if a psychologist is an official provider of EAP services for the employee(s) in question, a conflict of interest exists and that psychologist shall not be a member of the threat assessment team.

It is the responsibility of the psychologist or EAP counselor to clarify for all parties involved the limits of and exceptions to confidentiality in any individual case. At those work sites which contract with outside EAP providers, this problem is minimized significantly.

7. CRITICAL INCIDENTS. In the unusual event of an incident in which the potential for significant danger to others or serious threats to the security of the institution/work site exist, such as a threat of or actual use of dangerous weapons, other steps shall precede the procedures listed above. Although the unique circumstances of any incident shall be considered in determining what specific actions to take, the following guidelines shall be used:

a. The situation shall be contained to the extent possible to minimize danger to others and/or escalation of violence.

b. Local law enforcement, federal investigative authorities, and/or the FBI authorities shall be contacted for possible assistance.

c. The use of force, up to and including lethal force, may be necessary to prevent loss of life or serious physical injury, or

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to otherwise maintain or restore control of a correctional institution.

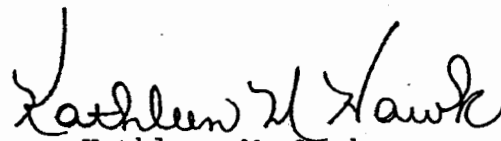
Circumstances under which firearms may be used are outlined in the Program Statement on Firearms and Badges.

It may be necessary to provide emergency medical assistance through Health Services or other outside sources in the unusual event of a seriously violent or disruptive incident. Also, the CEO shall consider deploying the local Family and Employee Assistance Team (FEAT) or teams from other Bureau locations to provide counseling, debriefing, and other support to staff, families, and others who may be traumatized by an incident.

8. TRAINING. Staff workplace violence prevention information has been incorporated into the Standards of Employee Conduct lesson plans for Annual Refresher Training (ART) and Institution Familiarization (IF). This shall be presented at all future ART and IF classes to educate all staff about provisions of this Program Statement.

A staff workplace violence prevention training package for managers and supervisors shall be distributed to all agency components. CEOs shall ensure that all managers and supervisors receive this training within one year after the issuance of this Program Statement. Specialty training for new supervisors and managers shall be revised to incorporate this information.

9. STATISTICS. OIA shall establish a centralized tracking system to generate management data/statistics on the incidence of staff workplace violence in the Bureau.


Kathleen M. Hawk
Director

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